

U.S. Department of Homeland Security
Washington, D.C. 20528



**Homeland
Security**

Privacy Office, Mail Stop 0655

May 18, 2022

Michael Kaufman
Senior Staff Attorney
ACLU of Southern California
1313 West 8th Street
Los Angeles, CA 90017

Re: **2022-HQFO-00989**

Dear Mr.Kaufman:

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), Privacy Office, dated April 29, 2022, and received in this office on May 2, 2022. You requested documents regarding any and all records that were prepared, received, transmitted, collected, and/or maintained by Immigration and Customs Enforcement (ICE) or the Department of Homeland Security that describe, refer, or relate to the release of hospitalized detainees from custody prior to their death; any records related to release of individual detainees once hospitalized; and any records related to the death of such detainees after their release from custody, including any communications or investigations. Unless otherwise noted, we request the records specified below from January 1, 2016 to the present. Specifically:

1. Any and all documents, without limitation to date, including any communications, investigatory reports, and any and all exhibits, appendices, or attachments thereto, relating to the hospitalization, death, decision to release from custody, or release from custody of the following individuals: Teka Gulema, Johana Medina Leon, Jose Ibarra Bucio, Martin Vargas Arellano
2. Any and all DHS OIG reports of investigation that are identified in any of the records responsive to Request #1. This includes any and all exhibits, appendices, or attachments to the DHS OIG reports of investigation.
3. Any and all ICE OPR reports of investigation that are identified in any of the records responsive to Request #1. This includes any and all exhibits, appendices, or attachments to the DHS OPR reports of investigation.
4. Any and all documents and communications, including ICE and IHSC directives, policies, procedures, protocols, or trainings that contain guidance, instructions, or standards about the release from custody of (a) hospitalized detainees; or (b) detainees who at the time of release were patients in the care of external healthcare providers or facilities. Detainees specified in (a)

EXHIBIT 1

and (b) above shall include those being treated for COVID-19 during their hospitalization or treatment at external healthcare providers or facilities.

5. Spreadsheets, emails, documents, communications, databases, lists, and other data compilations in the possession of ICE Leadership, ICE Enforcement and Removal Operations, ICE Health Service Corps, and ICE Office of Professional Responsibility that identify detainees who were released from custody while (a) hospitalized (including for COVID-19 treatment); (b) in the full-time care of external healthcare providers or facilities (including for COVID-19 treatment), or (c) released from custody immediately prior to transfer to an emergency room, hospital, or external care facility. Requested materials include, but are not limited to, dates of hospitalization of detainees, dates of hospital or external care facility discharge, name of treated detainees' detention facilities, and reasons for detainees' hospitalization or external medical care. These materials should further include Medical Transfer Summary documents from DHS's eHR System and Alien Medical Records System, and any versions of the Significant Detainee Illness Spreadsheet that identify detainees who were released from custody while (a) hospitalized (including for COVID-19 treatment); (b) in the care of external healthcare providers or facilities (including for COVID-19 treatment); or (c) released from custody immediately prior to transfer to an emergency room, hospital, or external care facility.

6. Spreadsheets, emails, significant incident reports (SIRs), significant event notification reports (SENs), or documents created by DHS OIG or ICE OPR that mention the release from custody of (continued in request PDF).

Upon review your request, our office has determined that the records sought, should they exist, would not be under purview of the DHS Privacy Office. Any responsive records would be held by the DHS Office of the Inspector General (OIG) and/or U.S. Immigration and Customs Enforcement (ICE). As you have already submitted your request to the aforementioned office, we are closing your Privacy Office request and will defer to the OIG and ICE's response(s). We have included contact information for the OIG and ICE FOIA offices below for your convenience:

ICE

Freedom of Information Act Office

500 12th Street, SW, Stop 5009

Washington, D.C. 20536-5009

Phone: 866-633-1182 | Fax: 202-732-4265 | E-mail: ice-foia@dhs.gov

OIG

FOIA Public Liaison

DHS-OIG Counsel

STOP 0305

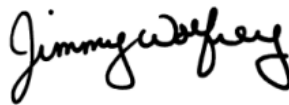
245 Murray Lane, SW

Washington, D.C. 20528-0305

Phone: 202-981-6100 | Fax: 202-245-5217 | E-mail: FOIA.OIG@oig.dhs.gov

If you need to contact our office again about this matter, please refer to **2022-HQFO-00989**.
You may contact this office at 1-866-431-0486 or 202-343-1743 or at foia@hq.dhs.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Jimmy Wolfrey". The signature is fluid and cursive, with the first name "Jimmy" and last name "Wolfrey" clearly distinguishable.

Jimmy Wolfrey
Senior Director, FOIA Operations and Management
(Acting)